



Hawaii | RANKING 46

Hawaii lacks the most basic protections for women and unborn children. It fails to require informed consent for abortion, to mandate parental involvement in a minor's abortion decision, or to ensure that abortion facilities meet minimum health and safety standards. It also fails to protect and recognize unborn victims of violence or to proscribe or limit destructive biotechnologies such as embryo research or human cloning.

ABORTION

- Hawaii has adopted a Freedom of Choice Act. The Act provides a “right” to abortion even if *Roe v. Wade* is eventually overturned, specifically providing that “[t]he State shall not deny or interfere with a female’s right to choose or obtain an abortion of a nonviable fetus or an abortion that is necessary to protect the life or health of the female.”
- Hawaii has no informed consent or parental involvement law.
- Hawaii maintains no enforceable abortion facility regulations; however, only licensed physicians or surgeons may perform abortions.
- It has an enforceable abortion reporting law but does not require the reporting of information to the Centers for Disease Control (CDC).
- Hawaii’s taxpayers are required by statute to pay for “medically necessary” abortions for women receiving state medical assistance. This requirement essentially equates to funding abortion-on-demand in light of the U.S. Supreme Court’s broad definition of “health” in the context of abortion.
- Hawaii offers “Choose Life” license plates, the proceeds of which benefit pregnancy resource centers.

LEGAL RECOGNITION AND PROTECTION OF UNBORN CHILDREN AND NEWLY BORN INFANTS

- Hawaii law does not affirmatively protect infants born alive during attempted abortions.
- Hawaii’s criminal law does not recognize or protect unborn children.
- Hawaii allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- Hawaii has a “Baby Moses” law, which permits a person to leave an unharmed infant no more than 72-hours old at a hospital, fire station, or police station and be immune from prosecution for child abandonment. The professional receiving the child must inquire into the child’s medical history and provide information on social services to the person relinquishing the infant.

BIOETHICS LAWS

- Hawaii does not prohibit or regulate human cloning, destructive embryo research, or fetal experimentation.

- It supports ethical research and treatments in a unique way by providing for a leave of absence for stem cell donors.
- Hawaii does not maintain any meaningful regulation of assisted reproductive technologies or human egg harvesting.

PATIENT PROTECTION LAWS

- Hawaii also has a Pain Patients' Bill of Rights which directs the Hawaii State Board of Nursing to develop and implement a pain and palliative care policy.
- In 2018, Hawaii passed legislation legalizing suicide by physician.

HEALTHCARE FREEDOM OF CONSCIENCE

PARTICIPATION IN ABORTION AND CONTRACEPTION

- Under Hawaii law, no person or hospital is required to participate in abortions.
- Health insurance plans that provide prescription coverage must also provide coverage for contraception. A conscience exemption exists for religious employers.

PARTICIPATION IN RESEARCH HARMFUL TO HUMAN LIFE

- Hawaii currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, or other forms of medical research that violate a provider's moral or religious beliefs.

WHAT HAPPENS AFTER *ROE* IS OVERTURNED?

- Abortion will be legal throughout pregnancy based on existing law with broad exceptions after viability enacted before *Roe*.

RECOMMENDATIONS FOR HAWAII

WOMEN'S PROTECTION PROJECT PRIORITIES

- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws
 - Women's Right to Know Act with reflection period
 - Coercive Abuse Against Mothers Prevention Act
 - Women's Health Protection Act (abortion clinic regulations, emergency transfer and admission provisions)
 - Drug-Induced Abortion Information and Reporting Act
 - Parental Notification for Abortion Act
 - Child Protection Act
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INFANTS' PROTECTION PROJECT PRIORITIES

- Unborn Infants Dignity Act
 - Prenatal Nondiscrimination Act
 - Perinatal Hospice Information Act
 - Born-Alive Infant Protection Act
 - Unborn Infants Wrongful Death Act (for a pre-viable child)
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PATIENT PROTECTION ACT PRIORITIES

- Suicide by Physician Ban Act
 - Joint Resolution Opposing Suicide by Physician
 - Charlie Gard Act (formerly the Life Sustaining Care Act)
 - Pain Management Education Act
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ADDITIONAL PRIORITIES

ABORTION

- Repeal State FOCA
- Defunding the Abortion Industry and Advancing Women's Health Act
- Federal Abortion-Mandate Opt-Out Act

LEGAL RECOGNITION AND PROTECTION FOR THE UNBORN

- Crimes Against the Unborn Child Act
- Pregnant Woman's Protection Act

BIOETHICS

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

HEALTHCARE FREEDOM OF CONSCIENCE

- Healthcare Freedom of Conscience Act